

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX**

ELLIOTT COMPANY<sup>1</sup>

Employer

and

**Case 6-UC-469**

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY, ALLIED  
INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO, CLC

Union - Petitioner

**REGIONAL DIRECTOR'S DECISION, ORDER  
AND CLARIFICATION OF BARGAINING UNIT**

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned Regional Director.

Upon the entire record in this proceeding, the Regional Director finds:

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
2. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (herein called "the Petitioner"), is a labor organization within the meaning of Section 2(5) of the Act.
3. The Petitioner proposes to clarify the existing office and clerical bargaining unit by including the positions of Customer Service Representative and Material Planner.

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<sup>1</sup> The name of the Employer appears as corrected by the Stipulation of the parties.

4. The record establishes that the Customer Service Representative job classification has historically been excluded from the office and clerical bargaining unit, and that the introduction of new computer technology has not resulted in any substantial change in the work performed by the Customer Service Representatives.

5. The record further establishes that certain individuals holding the position of Material Planner, as defined therein, and those who will hold the position after the implementation of the parties' Memorandum of Agreement have, or will have, the authority to formulate, determine, or effectuate Employer policies. Those individuals also have, or will have, discretion in the performance of their jobs independent of the Employer's established policies. On this basis, the Material Planners are managerial employees.

6. Accordingly, the positions of Customer Service Representative and Material Planner are excluded from the office and clerical bargaining unit.

### **ORDER**

**IT IS HEREBY ORDERED** that the existing unit of office and clerical employees of Elliott Company represented by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC be, and it hereby is, clarified so as to exclude the positions of Customer Service Representative and Material Planner.<sup>2</sup>

Dated at Pittsburgh, Pennsylvania this 19<sup>th</sup> day of September 2005.

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Gerald Kobell  
Regional Director, Region Six

NATIONAL LABOR RELATIONS BOARD  
1000 Liberty Avenue, Room 1501  
Pittsburgh, Pennsylvania 15222

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<sup>2</sup> The record reflects that the Employer and the Petitioner have agreed to include in the office and clerical bargaining unit the position of Material Processing Clerk, which was not part of the petition in this proceeding.

